

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                            )  
                            )  
                            )  
v.                        ) CRIM. NO. 04-10010-PBS  
                            )  
                            )  
MATTHEW DWINELLS       )

MOTION TO REOPEN DETENTION HEARING  
AND FOR RELEASE ON CONDITIONS

The defendant Matthew Dwinells respectfully moves to reopen the detention hearing in this case so that he may present evidence to the court in support of appropriate conditions of release. As background, the defendant submitted to a voluntary order of detention following hearings in September of 2004 on the government's motion to revoke his release. Mr. Dwinells reserved his right to reopen detention proceedings at a future date on his motion. See Memorandum and Order on Government's Motion for Detention, dated September 22, 2004.

Mr. Dwinells' release was revoked primarily because he failed to keep in adequate contact with his Pretrial Services officer, changed his living arrangements without apprising Pretrial Services, and dropped out of mental health counseling

that he was obliged to attend.<sup>1</sup> At a further detention hearing, Mr. Dwinells will propose that he be released to the third-party custody of his mother, Helen Dwinells, and that he reside with her. Counsel also requests that the court direct Pretrial Services to investigate Mrs. Dwinells' fitness as a third-party custodian.

CONCLUSION AND REQUEST FOR HEARING

For the reasons set forth above, the defendant Matthew Dwinells asks this Court to reopen the detention hearing in this case so that he may present evidence and argument in favor of release.

Respectfully submitted

By his attorney,

/s/ Syrie D. Fried

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<sup>1</sup> This Court was not called upon to make findings regarding Mr. Dwinells' dangerousness or risk of flight, as Dwinells agreed to detention upon a showing that he had violated his conditions of release.